IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO.70 OF 2006

Govindram Tekchand Jarani. ..Applicant.

V/s.

Industrial Finance Corpn.of
India Ltd.(IFCI) & ors. ..Respondents.

Mr.Girish Desai i/b Mulla & Mulla & CBC for applicant.

Mr.Ravi Hegde i/b. Shaunak Satpute for respondent Nos.1 to 3.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 2, 2006.

P.C. :

1. Ms. Poonam Naik appears for respondent No.1 to 5. Mr.Samuel appears for respondent No.7. The said respondents have no objection if this petition is allowed in terms of amended prayer clause (aa) which reads thus:

> "aa) In alternative to prayer (a) hereinabove, this Hon'ble Court be pleased to order and direct that O.O.C.J. Suit No. 3499 of 1993 be transferred to Debt Recovery Tribunal at Mumbai and be tried and proceeded along with Original Application No.224 of 2002 and be treated as a Counter Claim or Cross Suit under provisions of Sec.19(9)(10)(11) of DRT Act, 1993 and further direct both the said O.O.C.J. suits and the Original Application be tried and heard together and disposed off."

The other respondents though served have not chosen

to appear. As the respondents who had appeared before this court through counsel have no objection and also because the relief claimed in this application in terms of amended prayer clause (aa) reproduced earlier, will have to be granted by virtue of operation of law, this petition is allowed in terms of prayer clause (aa).

2. Office to take steps to forward the papers in view of this order, as the proceedings before the Debt Recovery Tribunal are listed for hearing on 21st August, 2006. No order as to costs.